

Remarks

Claims 1 – 9, 12, and 19 – 28 are pending in the application.

Claims 19 – 21 and 27 are rejected under 35 U.S.C. §102(e) as being anticipated by Aoki et al., U.S. Patent No. 7,107,271 (hereinafter “Aoki”).

Claims 1 – 9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Naimpally et al., U.S. Publication No. 2003/0105639 (hereinafter “Naimpally”) in view of Aoki

Claim 12 is rejected under 35 U.S.C. §103(a) as being unpatentable over Naimpally and Aoki as applied to claim 1 above, and further in view of Chang et al., U.S. Patent No. 7,328,159, (hereinafter “Chang”).

Claims 22 – 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Aoki as applied to claim 19 above, and further in view of Naimpally.

Claims 23 – 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Aoki as applied to claim 19 above, and further in view of Ellis, U.S. Patent No. 7,370,343 (hereinafter “Ellis”).

By this response, Applicant has amended claims 1, 2, 4, 5, 12, 19, 20, 28. Claim 3 has been cancelled. All amendments are fully supported by the originally filed specification. No new matter has been added.

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel

and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, because a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been “amended,” it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Rejection Under 35 U.S.C. §102

Claims 19 – 21 and 27

Claims 19 – 21 and 27 are rejected under 35 U.S.C. §102(e) as being anticipated by Aoki. The rejection is traversed.

Claim 19

Anticipation requires the presence in a single prior art disclosure of each and every element of the claimed invention, arranged as in the claim. The Aoki reference fails to disclose each and every element of the claimed invention, as arranged in independent claim 19.

More specifically, the Aoki reference fails to teach or suggest at least the limitation of “wherein each recommended program is associated with at least one respective audio clip identifying content of the recommended program,” as recited in independent claim 19 (emphasis added). The Examiner suggests that the above recited limitation is taught in the following portions of Aoki: Figs. 3 and 17 and col. 10, line 55 – col. 11, line 13. Applicant respectfully disagrees.

Fig. 3 of Aoki displays an example of a screen image of an agent of an agent interface device. In particular, Fig. 3 shows an agent pronouncing the following statement: "Your favorite soccer game will be soon on air. Do you want to see it?" However, this is a general statement. First, it does not include any specific information identifying a program. Second, such a statement could be used on multiple programs, for example, each game involving viewer's favorite soccer team. Therefore, such a statement simply cannot anticipate an audio clip associated with a particular recommended program or an audio clip identifying a particular recommended program, and certainly not, an audio clip having both of these features.

Fig. 17 of Aoki illustrates an operation of an information providing engine. However, the steps shown in Fig. 17 do not even mention an audio clip or any other audio component. Similarly, the cited portion of Aoki is silent with respect to description of any audio components. Further, though Fig. 16 identified in the cited portion shows the agent pronouncing a statement, this statement, similar to the statement of Fig. 3, is merely a general statement that is not associated with a particular program or identifies a particular program, i.e. "This table shows sports programs to broadcast hereafter."

Accordingly, Aoki reference fails to disclose each and every element of the claimed invention, as arranged in Applicant's independent claim 19. As such, independent claim 19 is not anticipated by Aoki and is allowable under 35 U.S.C. §102.

Claim 20

Claim 20 depends from independent claim 19, and thus, includes all the limitations of claim 20. Therefore, claim 20 is not anticipated by Aoki for at least the reasons discussed with respect to claim 19.

Further, claim 20 recites additional limitations that are not taught or suggested by Aoki. In particular, Aoki fails to disclose at least:

"wherein the audiovisual signals are configured such that, upon generating of each of the audio clips associated with the at least one recommended program, a portion of the EPG corresponding to the at least one recommended program becomes visually focused,"

as recited in claim 20 (emphasis added).

Aoki discloses an agent interface device that provides information to the user independently of the electronic program guide (EPG). The agent interface device does not modify the EPG, but rather accesses the EPG to acquire needed information. Because, Aoki does not provide any description of the EPG's visual representation on the screen and does not describe the agent interface device modifying the EPG's representation, Aoki simply cannot teach or suggest that "a portion of the EPG corresponding to the at least one recommended program becomes visually focused" or that such focusing happens "upon generat[ion] of each of the audio clips associated with the at least one recommended program."

Therefore, Aoki fails to disclose all the elements of Applicant's claim 20, and thus, claim 20 is not anticipated by Aoki and is allowable under 35 U.S.C. §102.

Claims 21 and 27

All of the dependent claims depending from the independent claims include all the limitations of the respective independent claim from which they ultimately depend. Therefore, for at least the reasons discussed above with respect to claim 19, each such dependent claim is not anticipated by Aoki. Accordingly, Applicant's claims 21 and 27 are allowable over Aoki under 35 U.S.C. §102.

The Examiner is respectfully requested to withdraw the rejection.

Rejection Under 35 U.S.C. §103

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2141. Establishing a *prima facie* case of obviousness begins with first resolving the factual inquiries of Graham v. John Deere Co. 383 U.S. 1 (1966). The factual inquiries are as follows:

- (A) determining the scope and content of the prior art;
- (B) ascertaining the differences between the claimed invention and the prior art;
- (C) resolving the level of ordinary skill in the art; and
- (D) considering any objective indicia of nonobviousness.

Once the Graham factual inquiries are resolved, the Examiner must determine whether the claimed invention would have been obvious to one of ordinary skill in the art. To establish a prima facie case of obviousness the prior art reference (or references when combined) must teach or suggest all elements of the subject claim. In re Wada, 2007-3733 (BPAI Jan. 14, 2008) (citing, CMFT, Inc. v. Yieldup Intern. Corp., 349 F.3d 1333, 1342 (Fed.Cir. 2003)).

Claims 1 – 9

Claims 1 – 9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Naimpally in view of Aoki. The rejection is traversed.

Applicant respectfully submits that the combination of Naimpally and Aoki fails to teach or suggest one or more elements recited in claim 1. In particular, the combination of Naimpally and Aoki does not teach or suggest at least:

“wherein the plurality of smart audio guide audio clips are generated by a head-end of the interactive content distribution system and stored in a database at the head-end.”

as recited in independent claim 1 (emphasis added).

The Examiner suggests that this limitation is taught in Naimpally because Naimpally discloses converting, at a remote location, text files into speech files, where the text files are stored in a database of the remote location (see Office Action, pages 5 – 6). Applicant respectfully disagrees.

First, nowhere does Naimpally disclose a head-end or suggests that the remote location could be a head-end. Because a head-end is more than just a remote location, and is a master facility for distributing programs and other content, it is simply improper to equate a remote location to a head-end. Because, similar to Naimpally, Aoki fails to describe a head-end, the combination of Naimpally and Aoki does teach a head-end.

Further, while Naimpally discloses converting the text files into the speech files at the remote location, Naimpally fails to teach that after completion of the conversion, the resulting files are stored at the remote location and/or stored in a database. In contrast, Naimpally suggests that after the files have been converted, such files are provided immediately to the information appliance (see Fig. 1, where, as indicated by arrows, text data from databases 12, 14, and 16 are transmitted to TTS synthesizers 18 and 22 for

conversion and further transmitted to the information appliance 28 via Internet 24). Moreover, the only databases that are disclosed in Naimpally are for storing text files, not speech files. Accordingly, even if the speech files were stored at the remote location, they would not necessarily be stored in a database. Therefore, Naimpally and Aoki, alone or in combination, do not teach or suggest at least storing a plurality of audio clips in a database at a head-end.

Furthermore, the combination of Naimpally and Aoki does not teach or suggest at least:

“wherein as the plurality of smart audio guide audio clips being uttered a corresponding visual presentation of the customized viewing-recommendations list is modified respectively,”

as recited in independent claim 1 (emphasis added). The Examiner suggests that this limitation might be taught by paragraph [0049] of Naimpally. Applicant respectfully disagrees.

Paragraph [0049] describes that when a user navigates an EPG and focuses on a specific grid, an audio portion corresponding to the focused grid might be announced by voice. In other words, user's browsing of the EPG may cause audio information to be announced. In contrast, according to the above recited limitation of claim 1, uttering of the smart audio guide audio clips causes respective modification of the visual representation of the customized viewing recommendation list. Accordingly, Naimpally does not disclose this limitation of claim 1. Because, the Examiner does not provide any arguments that this limitation is taught by Aoki, even if combined, Naimpally and Aoki still do not disclose each and every element in Applicant's claim 1.

As such, independent claim 1 is allowable under 35 U.S.C. 103(a) over Naimpally and Aoki. Because claims 4 – 9 depend from claim 1, these dependent claims are also allowable over Naimpally and Aoki.

Therefore, Applicant's claims 1 – 9 are allowable over Naimpally in view of Aoki under 35 U.S.C. §103. The Examiner is respectfully requested to withdraw the rejection.

Claims 12

Claim 12 is rejected under 35 U.S.C. §103(a) as being unpatentable over Naimpally and Aoki as applied to claim 1 above, and further in view of Chang. The rejection is traversed.

Claim 12 depends from claim 1, and thus, the rejection of claim 12 is predicated on the validity of the rejection under 35 U.S.C. §103 over Naimpally in view of Aoki. Because the rejection under 35 U.S.C. §103 given Naimpally in view of Aoki has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Chang supplies that which is missing from Naimpally in view of Aoki to render the independent claims obvious, the grounds of rejection of claim 12 cannot be maintained.

Furthermore, Applicant submits that claim 12 is allowable over Naimpally in view of Aoki and in further view of Chang because the references, alone or in combination, do not teach

“a processing unit [that] is configured and operative to temporarily discontinue the audio associated with programming being displayed via the video display device at the viewer subsystem when the plurality of smart audio guide audio clips is being uttered in a predetermined mode at the viewer subsystem via the audio unit,”

as recited in independent claim 1 (emphasis added).

The Examiner suggests that this limitation is taught by Chang. Applicant respectfully disagrees. In particular, the cited portion of Chang states:

Generally stated, a novel and improved method and apparatus provide for a voice recognition (VR) system with a speech detector for detecting voice response from a user. The speech detector mutes or lowers the volume of a voice prompt played by a device after detecting the voice prompt from the user. The back end processing of the voice response in the VR system is simplified when the input voice data includes mostly the voice data generated by the user.

The Examiner reasons that it would have been obvious to modify teaching of Naimpally in view of Aoki as taught by Chang “for the advantage of accepting voice input” (See Office Action, pages 10 – 11). Accordingly, the suggested combination of the references allegedly discloses a device playing audio programming and audio clips, which are muted when voice input from the user is received.

However, Applicant's claim 12 recites "discontinue[ing] the audio associated with programming being displayed ... when the plurality of smart audio guide audio clips is being uttered." Muting all audio prompts to receive a voice input, as disclosed by Chang, is entirely different from muting one type of audio while playing another type of audio. Therefore, the suggested combination of Naimpally, Aoki, and Chang fails to disclose all the elements of claim 12, and thus, dependent claim 12 is not obvious over the combined teaching of Naimpally and Aoki in view of Chang.

Accordingly, Applicant's claim 12 is allowable over Naimpally and Aoki, and further in view of Chang, under 35 U.S.C. §103. The Examiner is respectfully requested to withdraw the rejection.

Claims 22 – 28

Claims 22 – 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Aoki as applied to claim 19 above, and further in view of Naimpally. The rejection is traversed.

Claims 22 – 27

Each of these grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. §102 given Aoki. Because the rejection under 35 U.S.C. §102 given Aoki has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Naimpally supplies that which is missing from Aoki to render independent claim 19 anticipated, these grounds of rejection cannot be maintained.

Therefore, Applicant's claims 22 – 27 are allowable over Aoki, and further in view of Naimpally, under 35 U.S.C. §103. The Examiner is respectfully requested to withdraw the rejection.

Claims 28

Claim 28 recites:

"retrieving at least one standardized audio clip; and
generating audiovisual signals associated with a program selection
mechanism, the audiovisual signals including combined the at least one

retrieved audio clip and one or more of the at least one standardized audio clip to identify the content of the recommended program"

(emphasis added).

In particular, as for example described in Applicant's specification, audio clips identifying the recommended programs may be supplemented by additional audio information to provide audio information to a user in a more conventional format, such as a sentence format. For example, "Frasier is showing on Channel 12" or "Gladiator is showing on Channel 202" exemplify one version of a supplemented audio format of audio clips. Standardized audio information, e.g., "is showing on", is used to expand the syntax of the audio clips identifying the recommended programs and/or their content (see e.g., page 11, line 18 – 23). Aoki and Naimpally, alone or in combination, fail to disclose such features. Therefore, Applicant's claim 28 is allowable over Naimpally in view of Aoki under 35 U.S.C. §103.

The Examiner is respectfully requested to withdraw the rejection.

Claims 23 – 27

Claims 23 – 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Aoki as applied to claim 19 above, and further in view of Ellis. The rejections are traversed.

Each of these grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. §102 given Aoki. Because the rejection under 35 U.S.C. §102 given Aoki has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Ellis supplies that which is missing from Aoki to render the independent claims anticipated, these grounds of rejection cannot be maintained.

Therefore, Applicant's claims 23 – 27 are allowable over Aoki and further in view of Chang, under 35 U.S.C. §103. The Examiner is respectfully requested to withdraw the rejection.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 842-8110 x120 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

Dated: 1/15/09

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